

DUCHESNE AND STRWBERRY RIVERS WATER ASSOCIATION
ANNUAL WATER USER AND ANNUAL MEETING WITH
STATE ENGINEER

March 19, 2008

10:00 am

Those in attendance:

NAME

Moreen Henderson
Lee Moon
Trent Potter
Clinton Moon
Jerry Wilson
Dennis Jones
Craig Thomas
Andrew Dutson
Keith Hooper
Tom Bruton
Randy Crozier
Clint Park
Jay Lazenby
Scott Williams
Lynn Clark
Jeff Budge
Owen VanTassell
Ryan Jones
Rodney Rowley
Ryan Harrison
Linda Ivie
Jerry Burdick
Keith Hicken
Gordon Moon
Tim Shepard
Lance Henderson
Brent Fitzgerald
Richard Fitzgerald
Matt Betts
Rodney Swasey
John Mendenhall
Lynn Hansen
Art Taylor
Lee Sim
Bob Leake
Connie Mullins
John Swasey

REPRESENTING

Uintah Basin Irrigation Company
Rocky Point
Duchesne/Strawberry
Duchesne/Strawberry
Rocky Point
Farm Creek Irrigation
Hicken Ditch Company
Division of Water Rights
CUWCD
CUWCD
DCWCD
Duchesne City
Tabby Canal
Williams Ranch
Provo River Water Users
Provo River Water Users Assoc.
Jasper Pike
JRRT Enterprises
Horrocks Engineers
Duchesne Feeder
CUWCD
Rocky Point
Pleasant Valley
Grey Mountain
Grey Mountain
UBIC
Grey Mountain
Grey Mountain/UBIC
Rocky Point
Rocky Point
Spanish Fork River
BIA
Duchesne/Strawberry
Division of Water Rights
Division of Water Rights
Duchesne/Strawberry
River Commissioner

Art Taylor called the meeting to order and welcomed everyone.

MINUTES

The minutes of the February 14, 2007 Duchesne and Strawberry Rivers Water Users Association (DSWUA) were reviewed by Art Taylor.

MOTION: Keith Hooper made the motion to approve the minutes of the February 14, 2007 meeting. The motion was seconded by Clinton Moon. Motion carried.

COMMISSIONER'S REPORT

John Swasey reported that 2007 was next to the driest year in the 19 years that he has been Water Commissioner. 2007 was only the 2nd time filings had to be cut to 1907 priority even though it was for only 2 weeks. Project water began on June 19th this year compared to July 24th last year. There was 39,042 acre feet of project used compared to 9600 acre feet in 2006. He stated that for being such a dry year it went well and thanked the water users.

John asked the Provo River Water User representative if they would be taking any water through the Duchesne tunnel this year. Discussion followed by Jeff Budge of flooding problems in their area. He stated that they would be taking a fair amount but not all that is available.

John reported on the Block 1B that was available to water users for the first time this year, with the first being delivered in August. The majority of the canals used more water in 2007 than in 2006. With a hot, dry summer agriculture use increases. He announced the water workshop that was being held for ditch riders and canal companies at 12:30 today. Invited those interested to attend. Also made mention of grant money that was available through the Bureau of Reclamation for canal lines if interested contact him.

MOTION: Owen Van Tassell made the motion to approve John's report for the 2007 irrigation season. The motion was seconded by Dennis Jones. Motion carried.

Water Rights Enforcement

Lee Sims did a power point presentation on Water Rights Enforcement. He talked about the Administrative rules and penalties and showed a referral form which is available on line. New rule: An informant's signature is required to submit a form but it will be kept confidential. Talked about the penalties and discussed a case study and showed how the system works. Discussion followed concerning appeal process.

2007 BUDGET REVIEW

Explanation was given by Lee Sims concerning the differences in budget for travel expenses that was approved at \$7,200.00 and increased to \$10,000.00 after discussion with the board president. The increase was contributed to the fact that the proposal to the State for a state vehicle for the Water Commissioner was denied, therefore the costs of mileage for his personal vehicle was higher.

Art stated his stand on the travel increase. He said he had not been notified and was not aware that the travel budget had increased.

Lee Sims reviewed the 2007 receipts and expenditures. The ending balance on December 31, 2007 was \$76,937.49 with \$401.77 in delinquent assessments.

Lee Sims stated that the delinquent assessments are only one year with the exception of Leon Nielsen and that action needed to be taken as he hadn't paid since 2002. Art Taylor noted that according the minutes from last year the assessment for Leon Nielsen should have been sent to his son Jody Nielsen.

MOTION: Jerry Wilson made the motion to approve the 2007 financial statement as reported by Lee Sims. The motion was seconded by Craig Thomas. Motion carried.

2008 BUDGET PROPOSAL

The 2008 Budget Proposal is as follows:

BALANCE of Trust Funds, 12-31-2007:	\$76,937.49
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RECEIPTS:	\$88,696.84
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Regular Assessments	
Plus previous assessments and penalties	

BUDGET:

Commissioner Salary	\$54,600.00
Social Security	4,139.00
Retirement	8,500.00
Insurance	10,000.00
Travel	13,500.00*
Secretary Expense	500.00
Committee Expense	1,000.00**
Office Expense	2,000.00
Supplies and Equipment	5,000.00
Telephone Expense	2,000.00

(2008 Budget Proposal, cont.)

Contract Services	0
Miscellaneous Expense	125.00
State Engineer Assessment	<u>7,036.00</u>

TOTAL BUDGET: \$108,400.00

*Paid by monthly installments instead of mileage.

** \$500.00 committee expenses + \$500.00 commissioner training.

Lee explained that the method of paying travel had changed. John gave explanation on how the travel amount was figured. Discussion followed. John stated he had calculated a five year payout on his vehicle.

Art asked about the Commissioners training. Discussion followed concerning that amount was to pay for hotels and meals when he traveled to conferences several times a year.

Equipment Budget.

Discussion followed with examples given as to what kind of equipment would be needed. John explained the high cost of equipment and stated he tries to find grants and cost share as much as possible.

MOTION: Lynn Hansen moved to accept the 2008 proposed budget. The motion was seconded by Jerry Wilson. Trent Potter opposed. Motion carried.

DUTY SCHEDULE

Motion made by Jerry Wilson to leave the 4AF per acre in effect as in the past with need to be assessed and made by John Swasey. Motion seconded by Trent Potter. Motion carried.

BOARD PRESIDENT REPORT

Art Taylor reported that he would be stepping down from the position as Board President but would remain on the board. He then gave a history of his experiences with the water commissioner including growing problems with communication and his inability to work with him. He asked that John be re-appointed to a different place to "give us some relief." (You can hear full report on the State Engineers Website: www.waterright.utah.gov) Discussion followed by Lee Sims explaining the legal process for removing a Water Commissioner. He stated that there needed to be a petition sent to the Division of Water Rights but it did not require a set amount of signatures and there would then be an investigation. Lee noted that John's 4 year term as Water Commissioner was up next year.

John Swasey asked to comment. He defended his position on several issues. Discussion followed with comments from Clint Park, Craig Thomas, Clinton Moon, Lynn Hansen and Tom Bruton.

Based upon Tom Bruton's proposal, Lee Sims set a 30-day period, beginning March 20th and ending April 20th (it was inadvertently announced as May 20th) wherein written letters may be submitted to the State office at:

Division of Water Rights
% Lee Sims
PO Box 146300
Salt Lake City, Utah 84114-6300

He noted that the letters would be kept confidential, and that the matter would be looked into after that time.

BOARD MEMBER ELECTION

There are three positions on the board that are up for election, Roger Hicken, representing the Lower Duchesne River Water Users; Maurice Harvey, representing the Lower Duchesne River Water Users, and Craig Thomas representing the Upper Duchesne River Water Users.

Art asked for nominations for the Upper Duchesne River Water Users. Dennis Jones was nominated by Craig Thomas. Nomination seconded by Trent Potter.

MOTION: Art made motion to suspend rules and appoint Dennis Jones by acclamation. Motion seconded by Clint Park. Motion carried.

Nominations for Lower Duchesne River Water Users: Lance Henderson was nominated by Moreen Henderson. Nomination seconded by Clinton Moon.

MOTION: Art made motion to suspend rules and appoint Lance Henderson by acclamation. Motion seconded by Clinton Moon. Motion carried.

Nominations for Lower Duchesne River Water Users to replace Roger Hicken for a 1 year term: Jerry Wilson was nominated by Tim Shepard and seconded by Gordon Moon. Lee Moon was nominated by Ryan Harrison and seconded by Owen Van Tassell. Voting by written ballot resulted in Lee Moon receiving the most votes.

OPEN DISCUSSION/QUESTIONS

Current water forecast

Keith Hooper gave an update on the water forecast for 2008. He stated the inflow for Starvation is looking to be around 107% of average and Stillwater at 112%. He said we were on track for an average year. He stated that water would be released from Starvation as soon as the river opens to prepare for the upcoming run off.

Randy Crozier discussed the Block 1B for 2008. He stated the irrigation companies had already been contacted and they were working to get the subscription agreements done and turned in as soon as possible to avoid any problems. Each individual would once again need to apply but that it would now be permanent.

Rural Water Technology

Randy Crozier talked about the "Rural Water Technology" money that is available. There is a block of \$120,000.00 available but is a 75/25 cost/share for repairs on canals etc. Contact him if interested.

Question was asked concerning the diversions on the Strawberry River. Randy stated that they have run into a right-of-way issue. They are currently looking at a Turnbow ditch rock structure.

Meeting adjourned at 12:05 am.